HOW TO WORK WITH ADVISORY AND ASSISTANCE (A&AS) CONTRACTORS

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Definition of A&AS

- **Services acquired by contract from non-government sources to**
  - Support or improve development of policy, decision making, management and administration, etc.
  - Provide management and support services for R&D activities
  - Provide engineering and technical support services or improve the effectiveness of management processes or procedures
- **May take form of advice, opinions, alternatives, analyses, evaluations, recommendations, training, and technical support**
- **At SMC usually referred to as SETA contractor (Systems Engineering and Technical Assistance)**

Organizational Conflict of Interest

- **Always be aware of potential, actual, or apparent organizational conflict of interest (OCI)**
- **OCI means that because of activities or relationships, a contractor**
  - Is potentially unable to render impartial advice to the government; or
  - Might have impaired objectivity in performing the contract work; or
  - Has an unfair competitive advantage
- **The essence of OCI and conflicts in general is divided loyalty**

Working with A&AS Contractors

- **Understand your contract/task order**
  - Know scope and don't exceed it
  - Understand OCI clause and mitigation plan
  - Understand prime and sub's relationship(s) to other contractors on the program
  - Determine whether contractor has non-disclosure and associate contractor agreements in place
- **Always be conscious that person is contractor even if you worked with the person on same program when he/she worked for government**

Working with A&AS Contractors

- **Restrict what you discuss around contractors no matter how much you trust the individual(s)**
- **Be conscious of what you say in meetings attended by A&AS contractors and in telecons that they can overhear**
- **Only grant access to material/meetings that are essential for the individual to do his/her job**
  - Ensure that non-disclosure agreements are in place
  - Technical support personnel usually do not need to see cost data or to know negotiation objectives

Working with A&AS Contractors

- **Be alert for A&AS contractors used by other organizations (for example NRO) and their relationship to your program(s)**
  - It is your responsibility to work with other government organization to ensure that proper controls are in place
- **Do not depend on A&AS contractors for tech evals, other documentation, reports, etc**.
  - Government should obtain advice
  - It is Government – not contractor decision

Working with A&AS Contractors

- **Be alert for changes in OCI situation**
  - Mergers
  - Company reorganizations, etc.
- **Contractors should provide no advice, oversight, insight, review, monitoring, etc. of other division unless specifically approved in risk mitigation plan**
  - Situations where it is approved should be very rare

Working with A&AS Contractors

- **Recognize that there are some risks that cannot be mitigated**
  - You must find another source for A&AS support or obtain waiver
- **It may not be possible to obtain company/person(s) you desire**
- **Recent GAO decisions have overturned awards due to OCI issues**
  - **Absolutely essential to have approved OCI risk mitigation plan**

Working with A&AS Contractors *Subcontractors*

- **Subcontractors should be considered part of prime's team**
  - Don't include them in meetings where you exclude the prime unless specifically permitted by OCI Risk Mitigation Plan
- **Subcontractors may also have OCI issues that prime doesn't have**
  - It may be another division of the Sub that is being reviewed, competing for the effort, or working for the contractor being reviewed

Working with A&AS Contractors

- **You need to treat A&AS contractors differently based on scope of their contract with your office**
- **Do not be reticent to ask contractor to leave meeting**

Retired Personnel

- **Retired generals and colonels must be treated with the respect they have earned**
  - **However, they no longer have authority as generals and colonels**
  - **They are private citizens who have a contract with the government**
  - **Personnel on terminal leave should be treated as contractors**

Working with A&AS Contractors

- **SMC may be under outside pressure to eliminate certain situations that are now common**
- **The fact that contractor(s) or individual(s) has/have been providing certain support for years does not mean that another contractor cannot provide it**
- **Accept fact that you may not be able to obtain resources of specific person(s) that you desire**

Conclusion

- **Always be aware that your behavior is being watched by other contractors who are constantly monitoring the integrity of the government's acquisition process**
- **Ultimate customer is the contractor community which needs to have absolute confidence in impartiality of the Government process**